

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TONY G. HEWITT,

Plaintiff,

vs.

LISA WALSH, et al.,

Defendants.

Case No. 3:12-CV-00102-ECR-(WGC)

**ORDER**

The court found that the complaint failed to state a claim upon which relief may be granted, and the court gave plaintiff the opportunity to file an amended complaint. Order (#4). Plaintiff has not filed an amended complaint within the allotted time.

IT IS THEREFORE ORDERED that plaintiff's application to proceed in forma pauperis (#1) is **GRANTED**. Plaintiff shall not be required to pay an initial partial filing fee. However, even though this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding month's deposits to plaintiff's account (inmate #80867), in the months that the account exceeds \$10.00, until the full \$350 filing fee has been paid for this action. The clerk shall send a copy of this order to the finance division of the clerk's office. The clerk shall also send a copy of this order to the attention of the chief of inmate services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

1 IT IS THEREFORE ORDERED that this action is **DISMISSED** for failure to state a claim  
2 upon which relief may be granted. The clerk of the court shall enter judgment accordingly.

3 DATED: June 12, 2012.

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6 EDWARD C. REED  
United States District Judge  
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